

KENTUCKY SHERIFF'S ASSOCIATION
5/23/2011
LEXINGTON, KENTUCKY

Meeting called to order at 10:00 AM Eastern Standard Time.

Sheriff Korzenborn called role. Sheriff's absent: Sheriff Aubrey, Sheriff Brady, Sheriff Gaines, Sheriff Blackburn, Sheriff Corman, Sheriff Marcum, and Sheriff Whittaker.

Sheriff Korzenborn certified a quorum.

Motion was made by Sheriff Cain and seconded by Sheriff Pate to excuse the absent board members. Motion was approved unanimously.

MINUTES OF PRIOR MEETING

Motion was made to approve the April 07, 2011 minutes made by Sheriff Williams and seconded by Sheriff Matthews to approve the minutes of the prior meeting as written. Motion was approved unanimously.

Guest

James Starks from the National missing and exploited children's addressed the board about the resources available to Sheriffs who are in need of help to locate missing children. The program is called Team Adam. Along with team Adam there is a program that is Project Alert for Cold Cases. **Please see attachments.**

Barry Cecil from Bud's Guns welcomed the sheriff's to their shop and training facility. If any sheriff has any training needs feel free to contact them at 859-420-9022.

KENTUCKY SHERIFF'S ASSOCIATION SECTERARY/TREASURER REPORT

April 6, 2011 through May 23, 2011

Paid bills per President Hampton or Board Approval at KSA Meeting

KSA Operating Account Balance as of 05/23/2011	\$	40,684.09
KSA Savings Account	\$	131,429.29
KSA Scholarship Account as of	\$	3,067.19
KSA Convention Account as of	\$	18,770.43

Dues Collected for the Year of 2011

The totals dues billed for the year 2011 are \$118,056.00. As of 05/20/2011 \$108,341.00 for a total of (91.77%) has been collected. That leaves an outstanding balance of \$9,715. See Attached for list of paid and Unpaid Dues.

See Attachment of Account Details.

See attached for Check and Deposit Detail.

**Motion to Accept Sheriff Williams
2nd Sheriff Hammond**

UNPAID BILLS FOR BOARD APPROVAL

**Motion to Accept Sheriff
2nd Sheriff**

KSA EXECUTIVE DIRECTOR'S REPORT
KSA BOYS/GIRLS RANCH REPORT
KSA Executive Director Wagner Report

KSA Executive Director Jerry Wagner- copies of the April 2011 Financial reports were distributed to the board.

Motion was made to approve the KSA Boys and Girls financial report made by Sheriff Peoples and seconded by Sheriff Young. Motion was approved unanimously.

The ranch has hired camp counselors for the upcoming season. The camp is in need with one more male counselor.

The ranch has hired a new employee to take care of maintenance work and up keep at the ranch.

The ranch purchased a new mower.

Camp starts June 5.

Three golf scrambles have been held with great success.

Sheriff Jim Carnes from Columbus Ohio who is a friend to the KSA is very ill. Please keep him in your prayers.

KACO webinar on May 24 on HB 463 training begins at 10:00 a.m. This will stay on the KACO web site for a period of time.

A special recognition to Sheriff Todd Pate for his appearance on the Oprah Winfrey show for a case that Sheriff Pate did several years ago. Sheriff Pate made all KY Sheriffs proud.

KSA EXECUTIVE DIRECTOR'S REPORT
KSA BOYS/GIRLS RANCH REPORT

KSA awards- send nomination to Sheriff Aubrey for the upcoming conference in September.

NSA Conference- 3 corporate sponsors are hosting the hospitality room, Appriss, My Clyns, and Steve Otto pre screening employment services.

NSA conference rooms- The KSA has two room s still available for the conference, please contact Corky Wagner for a room.

NSA/KSA outing have been scheduled during the upcoming conference. The first is the Saturday night of the conference with a River Boat Cruise and on Tuesday night, a ball game with the St Louis Cardinal and Philadelphia Phillies. Appriss is upgrading tickets purchased to include drinks and food for all KSA members who have bought tickets.

2011 KSA Conference- All board members rooms have been booked. The training agenda is close to being completed. The focus on the training varies from the NSA, Jack Ryan speaking, and KACo training on minimizing employee injuries.

PRESIDENT AGENDA

The KSA received a thank you card from Wanda Lasley who son was killed in last month.

The KSA received a thank you card from Ouida Anthony from the Warren County Sheriff's Office for the gift certificate she received.

Sheriff Cain sent a letter thanking the KSA for the flowers and the well wishes he received from the KSA.

PRESIDENT AGENDA

The KSA received a request from the KSA from Kelly Jenkins in reference to a booth being donated to her group ADVO CARE. This company helps employees and others with wellness care. The board denied the request do to the fact that this is for profit organization and it was voted on previously that nonprofit organizations and state agency received donated booth space.

NEW BUSINESS

Sheriff Charlie Williams Collection fees for fire district. Sheriff's receive 1% from the fire districts for the collection of taxes; if they receive more it may become a problem for the sheriff's office.

Sheriff Coffey- Handed out a flyer in reference to a cycle ride from Lexington to the ranch. All proceeds will go to the ranch please see the flyer attached at the bottom of the minutes.

Sheriff Young has an x-ray machine that he is making available to any sheriff's office in the Commonwealth. If any Sheriff is interested contact the Anderson County S.O.

GOV TELLER- Tony Miller the former Jefferson County clerks now works for GOV Teller credit card processing. If the KSA endorsed his company all new sheriff's office that sign up and use their services, the KSA will receive 10% rebate from the profits to GOV TELLER.

Motion to endorsed GOV TELLER made by Sheriff Cain, 2nd by Sheriff Williams. Motion was approved unanimously.

NEW BUSINESS

Marylyn Gaines the wife of Warren County Sheriff Peanuts Gaines is having a heart procedure on June 3rd; please keep the Gaines in your prayers.

United States Marshall Loren “Squirrel” Carl wanted to thank all Sheriff’s office who participated in the sex offender check in the Eastern District.

Sheriff Keith Cain wanted to alert the sheriff’s offices throughout the state that there is a circulating in reference to wanting their office to support the prescription of pseudoephedrine. The Legislators will be receiving a bill this winter. The electronic monitor of Pseudoephedrine is now being done in over 20 states.

OLD BUSINESS

Sheriff Aubrey will be presenting swatches to the board for a tan jacket at the next meeting and ask that the issue of jackets be tabled until the next meeting.

KSA Director Wagner discussed issues with auditors that Sheriffs were having with the Auditor’s office. KSA Director Wagner stated that the auditor’s office was not looking not doing any audits differently, but they are looking at excessive spending and reporting this back to the fiscal courts and putting this in the audit reports. If you pass a line item budget it is necessary to adjust your line items to accommodate expenditures during the year.

KACO REPORT

President Bruce Hampton –Next meeting in June

KLEC REPORT

Sheriff Cain– See attachments in reference to HB 463 legislation and KLEC report with detailed information that may affect Sheriffs.

NEXT MEETING

The next **KSA Board Meeting** will be announced.

Motion to adjourn was made by Sheriff Sparrow and seconded by Sheriff Peoples. Motion was passed unanimously.

What Is Team Adam?

Team Adam provides rapid on-site assistance to law-enforcement agencies and families in cases of missing, abducted, and sexually exploited children. Its members are retired law-enforcement professionals with years of investigative experience at the federal, state, and local level. They rapidly deploy to sites where such cases are unfolding, providing on-the-ground technical assistance and connecting local law enforcement with a national network of resources. A program of the National Center for Missing & Exploited Children® (NCMEC), Team Adam provides those services free-of-charge.

Team Adam works to improve the odds of recovering missing or abducted children by responding quickly. Team Adam also offers on-site guidance and expertise in pursuing child-exploitation investigations.

How Does Team Adam Help?

Team Adam Consultants provide investigative, search, analysis, and technical support, as well as equipment and other resources. Team Adam also assists victims' families by connecting them with a network of support.

Team Adam helps law enforcement with:

- Search and Rescue (SAR)
- Computer Forensics
- Technical Support
- Investigation and Analysis
- Equipment and Resources

Team Adam helps families by providing:

- Family Advocacy Services
- Personal Assistance
- Child-Safety Education
- Stress Management
- Media Relations

These specialists will be there to provide resources—from their own years of experience and extensive knowledge

Team Adam's Efforts in the Field

Team Adam focuses primarily on missing, abducted, and sexually exploited cases, using creative methods to pinpoint these cases and recommending innovative case-investigation strategies. Team Adam's unique access to NCMEC resources, coupled with their years of command-post and multi-jurisdictional law-enforcement experience, very often provides small or medium sized departments with the tools they need to handle complex, media-intensive cases. Team Adam has a solid track record of protocols and expertise in landfill searches, which in one instance culminated in the recovery of a child's remains buried in a landfill for more than two years.

One of law enforcement's most important tools in the investigation of missing children cases is an up-to-date, good-quality photograph. Team Adam has assisted in arranging for billboard-sized posters of missing children to be displayed in well-trafficked areas, increasing the number of people exposed to the poster. Team Adam has also facilitated Deliver Me Home distributions. Deliver Me Home involves collaboration between the United States Postal Inspection Service (USPIS), the United States Postal Service (USPS), and NCMEC to place into the poster of a missing child via mail carriers to every household in designated zip codes. These are just a few examples of the assistance Team Adam provides.

BONNIE ALLEN, PRESIDENT AND
CHIEF EXECUTIVE OFFICER, NCMEC

INVESTIGATIVE CHECKLIST FOR FIRST RESPONDERS

This checklist is meant to provide a framework of actions, considerations, and activities that may assist in performing competent, productive, and thorough missing/abducted children investigations.

First Responder

- ☐ If circumstances warrant, consider activating patrol-vehicle-mounted video cameras when approaching the scene to record vehicles, people, and anything else of note for later investigative review.
- ☐ Interview parent(s)/guardian(s)/person who made the initial report.
- ☐ Confirm the child is in fact missing.
- ☐ Verify the child's custody status.
- ☐ Identify the circumstances of the disappearance.
- ☐ Determine when, where, and by whom the missing child was last seen.
- ☐ Interview the individuals who last had contact with the child.
- ☐ Identify the child's zone of safety for his or her age and developmental stage.
- ☐ Based on the available information, make an initial determination of the type of incident whether nonfamily abduction, family abduction, runaway, or lost, injured, or otherwise missing.
- ☐ Obtain a detailed description of the missing child, abductor, and any vehicles used.
- ☐ Secure photographs/videos/capes of the missing child/abductor.
- ☐ Evaluate whether the circumstances of the child's disappearance meet AMBER Alert criteria and/or other immediate community-notification protocol. Discuss plan of action with supervisor.
- ☐ Relay detailed descriptive information to communications unit for broadcast updates.
- ☐ Determine need for additional personnel including investigative and supervisory staff.
- ☐ Brief and bring up to date all additional responding personnel.
- ☐ Identify and separately interview everyone at the scene. Make sure the interview and identifying information is properly recorded. To aid in this process, if possible, take pictures or record video images of everyone present. Video cameras affixed to patrol vehicles may be helpful with this task.
 - ☐ Note name, address, home/business/cellphone numbers of each person.
 - ☐ Determine each person's relationship to the missing child.
 - ☐ Note information each person may have about the child's disappearance.
 - ☐ Determine when/where each person last saw the child.
 - ☐ Ask each one, "What do you think happened to the child?"
 - ☐ Obtain names/addresses/cellphone numbers of the child's friends/associates and other relatives and friends of the family.
- ☐ Continue to keep communications unit apprised of all appropriate developing information for broadcast updates.
- ☐ Obtain and note permission to search home or building where incident took place.
- ☐ Conduct an immediate, thorough search of the missing child's home, even if the child was reported missing from a different location.
- ☐ Search/inspect scene and area of the child's home (including the child's personal articles such as backpack, diary, photographs, and items with the child's fingerprints/footprints/teeth impressions) so evidence is not destroyed during or after the initial search and to help ensure items which could help in the search for and/or to identify the child are preserved. Determine if any of the child's personal items are missing. If possible, photograph/record/tape these areas.
- ☐ Evaluate the contents and appearance of the child's room/residence.
- ☐ Inquire if the child has access to the Internet and evaluate its role in the disappearance.
- ☐ Ascertain if the child has a cellular telephone or other electronic communication device.
- ☐ Extend search to surrounding areas including vehicles and other places of concealment.
- ☐ Treat areas of interest as potential crime scenes.
- ☐ Determine if surveillance or security cameras in the vicinity may have captured information about the child's disappearance.
- ☐ Interview other family members, friends/associates of the child, and friends of the family to determine
 - ☐ When each last saw the child.
 - ☐ What they think happened to the child.

NATIONAL
ON BR-CH
F.M.

**MISSING &
EXPLOITED**

CHILD R.F.N.A.

James Sparks
Project ALERT Bedouin Initiative
Kortumky Stone Medical Refree

1 800-461-05 -- www.missingkids.com

C/O: 1015 B. Wood Inter-Continental
703.837.2219
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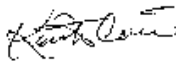
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MEMORANDUM

DATE: May 20, 2011
TO: Kentucky Sheriffs' Association
Board of Directors
FROM: Sheriff Keith Cain 
REF: Concerns of HB 463

Attachment I: Concerns to law enforcement I have noted with the passage of HB 463.

Attachment II: Daviess County Commonwealth Attorney's interpretation of this legislation (that closely mirrors my own).

Should you have questions please feel free to contact me.

"Making A Difference"

Attachment I

RE: Effects on Law Enforcement of HB 463, "The Public Safety Offender and Accountability Act"

Effective date June 8th the provisions shall become law.

- KRS 431.015 is amended to read as follows:
 - (1) (a) A Peace Officer ~~shall~~ ~~may~~ issue citation instead of making an Arrest of a ~~misdemeanor~~ committed in his presence.
 - Exceptions:
 - (b) (1) If the Peace Officer has reasonable grounds to believe that the person being cited will not appear to court; or
 - (2) An offense in which the defendant poses a risk of danger to himself, or others; or
 - (3) An offense in which the defendant refuses to follow the Peace Officer's reasonable instructions; or
 - (4) A violation of KRS Chapters 508 (Assault Offenses), 510 (Sexual Offenses), 527 (Weapons Offenses), and only KRS 189A.010 (DUI).
 - (c) A Peace Officer ~~shall~~ make a Arrest for violations of protective orders issued pursuant to KRS 403.715 to 403.785 (EPO/DVO).
- (2) A Peace may issue a citation instead of making an Arrest for a ~~violation~~ committed in his presence but may ~~Not~~ make a physical arrest unless ~~(there are reasonable grounds to believe that the defendant, if cited, will Not appear in court) or unless the offense~~ charged is a violation of KRS 189.223 (Semi Excess Weight), 189.290 (Reckless Driving), 189.393 (Complying with Traffic Officer's Signal), 189.520 (DUI-Non Motor Vehicle), 189.580 (Hit & Run), 235.240 (DUI-Intox), 281.600 (KSP in Motor Carrier Safety Management), 511.080 (Criminal Trespass 3rd), 525.070 (Harassment), or KRS 189A.010 (Probable Cause DUI-not in presence).

Examples of misdemeanors that a Peace Officer shall cite for offense occurred in his presence (unless exceptions exist) include but are not limited to: Theft, Prostitution, Gambling, Voyeurism, Shoplifting, Abuse/Cruelty to animals, Driving DUI Suspended-(Aggravated), Unlawful Transaction with a Minor.

Poss of Marijuana, Trafficking in Marijuana, Trafficking in controlled Substance 3rd Degree, Poss of Controlled Substance 2nd and 3rd Degree, Perjury, Hindering Prosecution, False Reporting, No Insurance, Disorderly Conduct (under unreasonable noise), PI/AT (under annoy persons in vicinity), Promoting Contraband, Criminal Mischief, Forgery, Using minor to distribute obscene material, Desecration of venerated objects, etc.

Changes in Illegal Controlled Substance Enforcement: KRS 218A.1411 is amended to read as follows:

- (1) Any person who unlawfully traffics in a controlled substance within (1,000) foot [yards] of any school building used primarily for classroom instruction shall be guilty of a Class D Felony, unless a higher penalty shall apply, measured from the nearest wall in a straight line distance.
- (2) Does not apply to any misdemeanor offense of the Trafficking of a Controlled Substance on School Property relating to synthetic cannabinoid agonists or piprazines or salvia.

KRS 218A.1412 is amended to read as follows:

- (1) A Person is guilty of Trafficking in a CS in the 1st Degree when he knowingly traffics in
 - (a) (4) grams or more of Cocaine
 - (b) (2) grams or more of Heroin or Methamphetamine
 - (c) (10) or more dosage units of a CS that is Schedule I or II and is a narcotic drug, or a controlled substance.
 - (d) of FICD, phencyclidine, GHB
 - (e) Amounts less than the amounts specified
- (2) Amounts may occur in a single transaction or may occur of a series of transactions over a period not to exceed 90 days.
- (3) (a) Except for paragraph (b) it is a Class C Felony for 1st Offense and Class B Felony for Subsequent Offense.
(b) Any person who violates the provisions of (1)(c) of this section (amounts under) is a Class D Felony for 1st Offense and Class C Felony for Subsequent Offense.

KRS 218A.1413 is amended to read as follows:

- (1) Trafficking CS 2nd Degree
 - (a)
 - (1) Traffics in 10 or more dosage units of Schedules I and II that is not a narcotic or specified in KRS 218A.1412; or
 - (2) 20 or more dosage units of CS schedule III; but Not synthetic cannabinoid

agonists or piperazines, salvia, or marijuana.

(b) Traffics Anabolic steroids

(c) lesser quantity

(2) (a) D Felony 1st Off and C Felony for 2nd Offense

(b) Subsection (1)(c) lesser quantity D Felony, except for KRS 532, the maximum sentence is no greater than (3) years Subsequent Offenses also D felony

KRS 218A.1414 is amended to read:

(1) trafficking 3 third

(a) 20 or more of IV or V

(b) any under

(2)

(a) (1)(a) A misdemeanor 1st Offense / D Felony for 2nd

(b) (1)(b) A misdemeanor 1st Offense (presumptive probation) 2nd Offense D Felony (3) years maximum.

KRS 218A.1415 amended to read:

(1) PCS 1st Degree (Schedule I or II and is a narcotic drug

(2) Possession of CS 1st Degree a D Felony (No Subsequent Enhancement)

- Deferred Prosecution shall be the preferred alternative for 1st Offense
- If not Deferred for 2nd Offense shall be subject to Presumptive Probation
- Unless court determines no eligible

KRS 218A.1416 amended to read:

(1) PCS 2nd Degree (Schedule I or II non-narcotic or CS schedule II) not but Not synthetic cannabinoid agonists or piperazines, salvia, or marijuana.

(2) PCS 2nd Degree is a Class A Misdemeanor (No Second or Subsequent Offense)

KRS 218A.1417 amended to read:

(1) PCS 3rd Degree (Sch IV or V)

(2) PCS 3rd Degree is a Class A Misdemeanor (No Second or Subsequent Offense)

KRS 218A.1418 amended to read:

(1) theft of a CS

(2) Class D Felony (No Second or Subsequent Offense)

KRS 218A.1422 amended to read:

(1) Possession of Marijuana

- (2) Changed from A Misdemeanor to B Misdemeanor with maximum incarceration no greater than (45) days.

KRS 218A.1427 amended to read:

- (1) Possession of synthetic cannabinoid agonists or piperazines
- (2) Possession of synthetic cannabinoid agonists or piperazines is a B Misdemeanor with maximum incarceration no greater than 30 days

KRS 218A.1451 amended to read:

- (1) Possession of salvia
- (2) B Misdemeanor with maximum incarceration no greater than 30 days

Convictions for Possession of Controlled Substances will no longer trigger the application of **Persistent Felony Offender enhancements**; nor is subsequent offender status available for Possession of Controlled Substance 1st Degree.

Presumptive Probation and Deferred Prosecution is mandated for **Felony Possession** unless a court determines the defendant is not eligible. The Commonwealth must offer Deferred Prosecution on 1st and 2nd Felony Possession cases unless stated on record the opposition for doing so, at which time the Court then shall consider probating the defendant under **Presumptive Probation** unless it also finds specific reasons why it can not.

Under **Deferred Prosecution** No Plea's enter for a maximum of 2 years. Under the old system a guilty plea would have been entered and all evidence matter would have been disposed. Now because of no plea Law Enforcement Agencies **Must Continue to maintain the care, custody, and control of Evidence etc.**

- Trafficking D Felony is no longer 5 years, but reduced to 3 years maximum term
- Any individual eligible for **Felony Presumptive Probation** shall be released from jail on **Pretrial Release or ROR**
- Release from Jail on Unsecured Bond (No Money required) is also mandated on all low risk
- **Moderate risk Must be released from Jail without bail.**

Attachment II

Kentucky Bill 463 2011 Criminal Code Update
by West Liberty Police Department - WLPD on Friday, April 6, 2014 at 11:20am

2011 Criminal Code Update

This is a brief overview of some of the changes to the penal code that will change the way Police operate day to day. This is only a quick reference, as there are many other changes to read/learn. It appears it will cost more to justify a felony charge related to drug trafficking and what that threshold met Courts will be forced to probate or defer prosecution, defer prosecution seems to actually mean the charge is expunged as though it never happened.

For details Google Kentucky House Bill 463 or request from us a PDF file of said bill by email

Legend: PCS: Possession of a Controlled Substance

TICS: Trafficking in a Controlled Substance

PO: Persistent Felony Offender

KRS 218A.010(2)(f) - Presumptive Probation - applies to certain offenses defined in the chapter, can only be granted by "substantial and compelling" reasons why the defendant should be supervised in the community, through treatment, or poses a significant risk to public safety. (page 4a)

KRS 213A.1404 - PCS - no longer an enhanced offense (page 31)

KRS 213A.1411 - TICS near school - 1,000 yards changed to 1,000 feet (page 31)

KRS 215A.1412 - 1st Degree PCS - Quantity can change classification (pages 33-34)

- 4+ grams of cocaine, 2+ grams of heroin or morphine, 10+ Schedule 1 or 2 narcotic pills are all class C felonies on 1st offense, Class D on 2nd
- Police can aggregate days to 90 day windows
- Lesser quantities result in Class D felony on 1st offense, Class C on 2nd

KRS 218A.1413 - 2nd Degree TICS - Quantity can change classification (pages 34-35)

- 10+ pills Schedule 1 or 2 narcotic, 20+ schedule 3 pills, any quantity of anabolic steroid, or HGH are class D felony on 1st offense, Class C on 2nd
- The Schedule 3 dosage pills do not include marijuana, sativa, or synthetic marijuana.
- Lesser quantities result in a Class D felony capped at 3 years on 1st offense or a 1st degree Class D felony on 2nd offense.
- No language regarding aggregating days over a 90 day window for 1st Degree TICS.

KRS 213A.1414 - 2nd Degree TICS - Quantity can change classification (pages 35-36)

- 30+ pills Schedule 4 or 5 - Class A misdemeanor on 1st offense, Class D felony on 2nd offense

- Lesser quantity result in a Class A misdemeanor or 1st offense with presumptive probation, no Class D felony or 2nd + offense with cap of 2 years.

KRS 218A.141 – 1st Degree PCS (pages 37-38)

- Schedule 1 or 2 no toxic drug, meth
- Class D felony capped at 2 years, no longer enhancement
- 1st or second offense: Defense, prosecution OR presumptive probation with D.P. being preferred in all offenses and P.P. shall occur if no D.P.

KRS 218A.141 – 2nd Degree PCS (pages 38-39)

- Schedule 1 or 2 non-narcotic, Schedule 3 not including marijuana, sedative or synthetic marijuana.
- Class A misdemeanor, no longer enhancement

KRS 218A.141 – 3rd Degree PCS (page 39)

- Schedule 4
- Class A misdemeanor, no longer enhancement

KRS 218A.242 – Possession of Marijuana (page 40)

- Changed to Class B misdemeanor
- Jail time capped at 45 days

KRS 218A.242 – Possession of Synthetic Marijuana (pages 40-41)

- Class B misdemeanor
- Jail time capped at 30 days

KRS 218A – New Section – Pretrial Release for 218A Offenses (pages 41-42)

- Any defendant charged with an offense that may get presumptive probation gets ROR or assured bond subject to any conditions (MCR, etc.)
- The Court must provide, in writing, a written order granting ROR or unsecured if the Court believes the defendant is a flight risk or is a danger to himself/others.

KRS 218A – New Section – Deferred Prosecution (pages 42-43)

- Applies to 1st Degree PCS on 1st or 2nd offense
- Defendant applies for DP in writing (possible new AOC form coming?)
- No post required!
- Max term of DP is 2 years, can use any methods provided others can use
- Deferral of DP requires the prosecutor to state in the record “substantial and compelling” reasons for
- Social
 - Completion of DP = records sealed and charges dismissed
 - Violation of DP gives rise to a hearing with the Court, and the Court can continue DP, change conditions of DP, or terminate DP and proceed with ordinary prosecution.

KRS 210A.275 – Treatment for First Offenders of PCS (pages 44-45)

- Court may order Probation, or order to do risk/needs assessment
- Court can order treatment based on that assessment, max 1 year treatment

- Payment for treatment shall be treated like any other service with Cabinet for Health and Family Services unless otherwise indicated.
- On subsequent PCS convictions, the Court may set aside and void the conviction upon completion of rehab or completion and all records are then sealed.

KRS 132.092 – PFC (page 17)

- The PFC section shall not apply to a person convicted of a criminal offense if the penalty for that offense was increased from a misdemeanor to a felony, or from a lower felony classification to a higher felony classification, because the conviction constituted a second or subsequent violation of that offense.
- Exceptions: DUI 4th, Driving with DUI suspended, Assault 3rd

KRS 167.010 – Jail Credit (pages 90-96)

- 90 day sentencing credit per diploma (GED, 2 year college, 4 year college, technical, etc.)
 - 90 day sentencing credit for completion of a 6 month treatment program
 - Can receive up to 10 days per month in good time
 - Sex Offenders may earn sentencing credits but they will not count until completion of sex offenders treatment program
- Rehabilitation – serve out with no credits

KRS 431 – New Section – GPS Monitoring Pre-Trial (page 112)

- Probation or high risk defendants can be ordered to GPS monitoring as a condition of bond pre-trial

KRS 431.010 – Order for Monitoring ("Order and Release") (Pages 112-113)

Clerk shall issue citation instead of arrest for misdemeanors committed in their presence

Exceptions

- Assaults
- Warrant endangment
- Terroristic Threatening
- Sex Crimes
- DUI
- Family Offenses
- Violations of EPC/DVC
- Officer can also arrest if defendant makes a danger to himself/others or when he refuses to follow the officer's "reasonable" instructions.

KRS 431 – New Section – Pre-Trial Release and Bonds (Pages 117-118)

- Low risk = Not or unsecured bond; subject to conditions determined by the Court
 - Moderate risk = B/S or unsecured = Court shall consider GPS monitoring, PFCs, and increased supervision
 - 90 day jail credit towards bond (Order to track this)
- Defendants convicted of sex offenses or violent offenses do not get this credit
- Defendants charged a flight risk or dangerous does not get this credit either out a written order by the Court setting the reasons must be filed.

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MEMORANDUM

DATE: May 23, 2011
TO: Kentucky Sheriffs' Association
FROM: Sheriff Keith Cain *Keith Cain*
REF: KY Law Enforcement Council Report

The Kentucky Law Enforcement Council met on 11th and 12th May 2011 in Louisville. There was considerable routine business as well as several special reports presented to the Council.

I. Curriculum Committee: Routine Business

II. Instructor Certification:

A. Routine Business

B. The Council heard a report from the Executive Committee presented by Council Chairman Sheriff Keith Cain discussing the recent meeting in March of the Executive Committee for the purpose of discussing the authority of the Council over curricula approved by the Council and instructional authority. In short, the Executive Committee reported to the full Council that all concerned agree that the Council has the authority under existing statutes to authorize or otherwise regulate course offerings across a broad spectrum of curricula approved and under approval. But instead of exercising that authority, the Executive Committee decided to take no action concerning the authority of Louisville Metro Academy's interest in providing an instructor development course. Heretofore, only DOCIT had provided this course. In practical terms, the issue was resolved by the willingness of both Louisville Metro and DOCIT to collaborate and reach an accommodation whereby Louisville's needs and DOCIT's limitations could be satisfied. While no resolution was necessary, the Council did have an opportunity to discuss its authority and interests in instances where curricula may be approved but not necessarily offered by all academies. In addition the Academy(s) reserved the right to readdress the issue at a later date if they elected to do so.

III. PGPS Committee: Routine Business

IV. Special Committee on Reeducation:

"Making A Difference"

- A. The Council approved a final report from the Special Committee presented by KLEC Vice Chair Luke Morgan.
 - B. The report discussed the underlying hazards of changes to the law and practices of POPS transfers and revocations based on good intentions; there are many unintended consequences that must be explored prior to significant changes to address perceived issues regarding transfer of officers. The central point of discussion throughout the committee's efforts is the possibility that an officer resigns (by offer or on his own volition) prior to being fired or prior to charges being filed. In such a case, the concern rests in future potential behavior; a transfer out appears on paper to be a simple resignation, and, as such, the individual may be hired at another agency without ramifications from his "near-miss" at the original agency.
 - C. After a number of called meetings, the committee recommended making changes to the POPS documentation – the forms used to transfer in/out an officers. Those forms will be forthcoming from the KLEC office.
- V. Secretary J. Michael Brown of the Justice and Public Safety Cabinet discussed ongoing issues with the Council on Thursday during what has become his regular place on the agenda.
- A. There are ongoing efforts to disseminate information regarding the Penal Code changes effected by the General Assembly.
 - B. Budget concerns are an ongoing and persistent feature of the political landscape in Frankfort.
 - C. The Secretary heard the appeal of an Anderson County Constable who had requested certification as a peace officer under POPS. The Council had previously rejected his request based on our longstanding policy that only entire classes of officers who "may" be certified under POPS could petition same before the Council. Individuals, we have long held, had no standing. The Secretary heard the appeal of the Constable and was compelled by his previous completion of Basic Training (he was previously a Lawrenceburg Police Officer) and his consistent annual completion of in-service training. The Secretary believes that POPS is an individual certification rather than a certification of groups of people; as such, he accepted the arguments of the Constable on appeal.
 - i. We are gathering more information concerning the number of number of constables who could reasonably fit into this category or condition.
 - ii. By no means does this ruling "open the flood gates" for all corners to be certified under POPS.
 - iii. There is still an in-service requirement.
 - iv. There is no anticipated impact on KLEPPU.
- VI. The Council was introduced to Kerry D. Harvey, United States Attorney for the

Eastern District of Kentucky and David Hale, United States Attorney for the Western District of Kentucky. In turn, they provided a presentation to the Council on the U.S. Attorney General's Law Enforcement Safety Initiative.

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MEMORANDUM

DATE: May 23, 2011
TO: Kentucky Sheriffs' Association
FROM: Sheriff Keith Cain *Keith Cain*
REF: KY Law Enforcement Council Report

The Kentucky Law Enforcement Council met on 11th and 12th May 2011 in Louisville. There was considerable routine business as well as several special reports presented to the Council.

I. Curriculum Committee: Routine Business

II. Instructor Certification:

A. Routine Business

- B.** The Council heard a report from the Executive Committee presented by Council Chairman Sheriff Keith Cain discussing the recent meeting in March of the Executive Committee for the purpose of discussing the authority of the Council over curricula approved by the Council and instructional authority. In short, the Executive Committee reported to the full Council that all concerned agree that the Council has the authority under existing statutes to authorize or otherwise regulate course offerings across a broad spectrum of curricula approved and under approval. But instead of exercising that authority, the Executive Committee decided to take no action concerning the authority of Louisville Metro Academy's interest in providing an instructor development course. Heretofore, only DOCIT had provided this course. In practical terms, the issue was resolved by the willingness of both Louisville Metro and DOCIT to collaborate and reach an accommodation whereby Louisville's needs and DOCIT's imitations could be satisfied. While no resolution was necessary, the Council did have an opportunity to discuss its authority and interests in instances where curricula may be approved but not necessarily offered by all academies. In addition the Academy(s) reserved the right to readdress the issue at a later date if they elected to do so.

III. POPS Committee: Routine Business

IV. Special Committee on Revocation:

"Making A Difference"

- A. The Council approved a final report from the Special Committee presented by KLEC Vice Chair Luke Morgan.
 - B. The report discussed the underlying hazards of changes to the law and practices of POPS transfers and revocations based on good intentions; there are many unintended consequences that must be explored prior to significant changes to address perceived issues regarding transfer of officers. The central point of discussion throughout the committee's efforts is the possibility that an officer resigns (by offer or on his own volition) prior to being fired or prior to charges being filed. In such a case, the concern rests in future potential behavior; a transfer out appears on paper to be a simple resignation, and, as such, the individual may be hired at another agency without ramifications from his "near-miss" at the original agency.
 - C. After a number of called meetings, the committee recommended making changes to the POPS documentation – the forms used to transfer in/out an officers. Those forms will be forthcoming from the KLEC office.
- V. Secretary J. Michael Brown of the Justice and Public Safety Cabinet discussed ongoing issues with the Council on Thursday during what has become his regular place on the agenda.
- A. There are ongoing efforts to disseminate information regarding the Penal Code changes effected by the General Assembly.
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 - i. We are gathering more information concerning the number of number of constables who could reasonably fit into this category or condition.
 - ii. By no means does this ruling "open the flood gates" for all corners to be certified under POPS.
 - iii. There is still an in-service requirement.
 - iv. There is no anticipated impact on KLEFP.

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Eastern District of Kentucky and David Hale, United States Attorney for the Western District of Kentucky. In turn, they provided a presentation to the Council on the U.S. Attorney General's Law Enforcement Safety Initiative.

2011 KSA



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